



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 40072-0006

Applicant(s): Takahito ONO et al. Confirmation No. 1024  
Appl. No.: 10/800,714 Examiner: Unassigned  
Filing Date: March 16, 2004 Art Unit: 3736  
Title: SLEEP APNEA SYNDROME DIAGNOSING DEVICE AND  
SIGNAL ANALYZER, AND METHODS THEREOF

**PETITION TO EXPUNGE UNDER**  
**37 C.F.R. §1.59(b) AND UNDER MPEP §724.02**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request that the Information Disclosure Statement (IDS) filed in the above application on July 27, 2005, be expunged and returned to Applicants.

Applicants state in support of this Petition to expunge:

That the Information Disclosure Statement filed July 27, 2005, in the above application, was not intended to be filed in the such application. The heading of the IDS submitted incorrectly carried the above case information. The submission of the IDS for placement in the incorrect patent file was unintentional and without deceptive intent.

A check in the amount of \$130.00 is enclosed with this Petition. Applicants respectfully request that the U.S. Patent and Trademark Office expunge and return the Information Disclosure Statement filed in this application on July 27, 2005.

08/18/2005 CNGUYEN2 00000069 10800714  
FC:1464

08/18/2005 CNGUYEN2 00000071 10800714

01 FC:1999

130.00 OP

Should the Petitions Examiner require additional information, the undersigned will endeavor to provide the Examiner with such information.

Respectfully submitted,

Date: August 17, 2005

HELLER EHRMAN LLP  
1717 Rhode Island Avenue  
Washington, DC 20036  
Telephone: (202) 912-2000  
Facsimile: (202) 912-2020

By Robert M. Hansen #43,656  
for Johnny A. Kumar  
Attorney for Applicant  
Registration No. 34,649

Customer No. 26633

## COMBINED FEE TRANSMITTAL

for FY 2005

AUG 17 2005

Effective 12/08/2004. Patent fees are subject to annual revision.

PTO/SB/17 (12-04) (Revised) (For payment of 37 CFR 1.17 fees including (f), (g), (h), &amp; (i))

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$130.00)

Complete if Known

Application Number	10/800,714
Filing Date	March 16, 2004
First Named Inventor	Takahito ONO et al.
Examiner Name	Unassigned
Art Unit	3736
Attorney Docket No.	40072-0006

## METHOD OF PAYMENT (check one)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account

Deposit Account Number: 08-1641

Deposit Account Name: Heller Ehrman LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below☒ Credit any overpayments and charge any deficiencies☐ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the deposit account

## FEE CALCULATION (continued)

**4. PETITION FEES UNDER 37 CFR 1.17 (f)** Fee Paid

Fee Code: 1462 Fee \$ 400 For petitions filed under: § 1.53(e); § 1.57(a); § 1.182; § 1.183; § 1.378(e); § 1.741(b)

**5. PETITION FEES UNDER 37 CFR 1.17 (g)** Fee Paid

Fee Code: 1463 Fee \$ 200 For petitions filed under: § 1.12; § 1.14; § 1.47; § 1.59; § 1.103(a); § 1.136(b); § 1.295; § 1.296; § 1.377; § 1.550(c); § 1.956; § 5.12; § 5.15; § 5.25

**6. PETITION FEES UNDER 37 CFR 1.17 (h)** Fee Paid

Fee Code: 1464 Fee \$ 130 For petitions filed under: § 1.19(g); § 1.84; § 1.91; § 1.102(d); § 1.138(c); § 1.313; § 1.314

**7. PROCESSING FEES UNDER 37 CFR 1.17 (i)** Fee Paid

Fee Code: 1808 (1803 for § 1.221) Fee \$ 130 For petitions filed under: § 1.28(c)(3); § 1.41; § 1.48; § 1.52(d); § 1.53(b)(3); § 1.55; § 1.99(e); § 1.103(b); § 1.103(c); § 1.103(d); § 1.217; § 1.221; § 1.291(c)(5); § 1.497(d); § 3.81

130

## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Applicati on Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Entity Fee (\$)	Small Entity Fee (\$)	Entity Fee (\$)	Small Entity Fee (\$)	Entity Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	135	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

SUBTOTAL (1) \$

## 2. EXTRA CLAIM FEES

Entity Fee (\$)	Small Entity Fee (\$)	Fee Description
50	25	Each claim in excess of 20 or, for Reissues, each claim in excess of 20 and more than in the original patent
200	100	Each Independent claim in excess of 3 or, for Reissues, each independent claim more than in the original patent
360	180	Multiple dependent claim, if not already paid

Extra Claims		Fee from above	Fee Paid	
Total Claims	-20** =	x		=
Independent Claims	-3** =	x		=

\*\*or number previously paid, if greater; For Reissues see below

Multiple Dependent

SUBTOTAL (2) \$

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof (round up to the whole number). See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s)

Total Sheets	Extra Sheets	Number of each additional 50	Fee (\$)	Small Entity Fee (\$)
-100 =	/50 =	x 250	OR	x 125

SUBTOTAL (3) \$

## 8. OTHER FEES

Entity Fee (\$)	Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	For filing a request for <i>ex parte</i> reexamination	
920*	920*	Requesting publication of SIR prior to Examiner action	
1,840*	1,840*	Requesting publication of SIR after Examiner action	
120	60	Extension for reply within first month	
450	225	Extension for reply within second month	
1,020	510	Extension for reply within third month	
1,590	795	Extension for reply within fourth month	
2,160	1,080	Extension for reply within fifth month	
500	250	Filing a brief in support of an appeal	
790	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1,510	1,510	Petition to institute a public use proceeding	
500	250	Petition to revive - unavoidably abandoned application	
1,500	750	Petition to revive - unintentionally abandoned application	
50	50	Processing fee for provisional appls (37 CFR 1.17(q))	
180	180	Submission of Information Disclosure Statement	
1,000	500	Request for oral hearing	
790	395	For each additional invention to be examined (37 CFR 1.129(b))	
790	395	Request for Continued Examination (RCE)	
900	900	Request for expedited examination of a design application	

Other fee (specify)

SUBTOTAL (4+5+6+7+8) \$ 130

\* Reduced by Basic Filing Fee Paid

## SUBMITTED BY

Name (Print/Type) Johnny A. Kumar

Signature Robert A. Jensen #43,656

Registration No. 34,649  
(Attorney/Agent)

Date August 17, 2005

Complete (if applicable)

Telephone 202-912-2000

Customer No. 26633